

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emilia Mancini	Team: Squad #7	CCRB Case #: 201805899	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/18/2018 5:45 PM	Location of Incident: Rockaway Beach Boulevard and Beach 108th Street	Precinct: 100	18 Mo. SOL 1/18/2020	EO SOL 1/18/2020	
Date/Time CV Reported Thu, 07/19/2018 5:11 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 07/19/2018 5:11 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Bryan Martini	27069	945962	100 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jonathan Mercado	06271	956925	100 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Bryan Martini	Off. Language: Police Officer Bryan Martini made remarks to § 87(2)(b) based upon race.	

### Case Summary

On July 19, 2018, § 87(2)(b) filed this complaint via phone with the CCRB.

On July 18, 2018, at approximately 5:45 p.m., while driving on Rockaway Beach Boulevard and Beach 108<sup>th</sup> Street in Queens, § 87(2)(b) was stopped by PO Bryan Martini and PO Jonathan Mercado. When § 87(2)(b) allegedly asked PO Martini why the police always stop people of color around that area, PO Martini allegedly responded, “That’s none of your business, nigga” (Allegation A: Offensive Language, § 87(2)(g)) PO Martini issued a summons to § 87(2)(b) for disobeying pavement markings.

### Findings and Recommendations

#### Allegation A – Offensive Language: Police Officer Bryan Martini made remarks to § 87(2)(b) based upon race.

It is undisputed that PO Martini and PO Mercado stopped § 87(2)(b). Then, PO Martini issued a summons to § 87(2)(b) for disobeying pavement markings.

In his verified interview, § 87(2)(b) stated that upon being stopped, PO Martini approached the driver’s side of his car, and PO Mercado approached the passenger side. § 87(2)(b) asked PO Martini, “Why does the police always pull over people of color?” to which PO Martini responded, “That’s none of your business, nigga.” Then, PO Martini handed the summons to § 87(2)(b) and left with PO Mercado [01 Board Review].

PO Martini stated to the CCRB that he approached § 87(2)(b)’s driver side, handed the summons to § 87(2)(b) and turned around to walk back to the police car. At that point, § 87(2)(b) told him, “Fuck you.” PO Martini, who was not sure of what § 87(2)(b) stated, walked back to him asked, “Excuse me, what did you say?” § 87(2)(b) repeated, “Fuck you.” PO Martini stated, “Okay” and walked back to the police car with PO Mercado. § 87(2)(b) drove off, made a U-turn and drove back on the lane opposite to where the police car was still parked. As he drove by the police car, he stuck his middle finger out of the window, stated, “Fuck you” towards the officers, and left. PO Martini denied that § 87(2)(b) mentioned his concerns about the police stopping people of color in that area. PO Martini denied that § 87(2)(b) asked him, “Why the police always pull over people of color over here?” PO Martini denied that he made remarks towards § 87(2)(b) based on his race. PO Martini denied that he told § 87(2)(b) “That’s none of your business, nigga” in response to any of his questions. PO Martini denied that he met § 87(2)(b) prior to these incidents [02 Board Review].

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
- 2 [REDACTED]
- [REDACTED]
- PO Martini has been a member of service for ten years. PO Martini has been a subject in two investigations, 200907129, in which no allegations were substantiated and § 87(2)(g) [REDACTED]

**Mediation, Civil and Criminal Histories**

- This case was eligible for mediation, but § 87(2)(b) [REDACTED] declined to mediate.
- A Notice of Claim inquiry was filed with the Office of the New York City Comptroller on September 7, 2018. The request is still pending, as of the writing of this report [05 Board Review].

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Squad No.: 7

Investigator:	_____	Emilia Mancini	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date